

**MINUTES OF SPECIAL MEETING
OF
GREENSBORO PLANNING BOARD
JULY 27, 2006**

The Greensboro Planning Board met in special session on Thursday, July 27, 2006 at 2:04 pm, in the City Council Chamber, 2nd floor, Melvin Municipal Office Building. Board members present were: Vice Chair Mike Fox, Tim Bryson, Joel Landau, J.P McIntyre, John Rhodes and Daron Sellars. Planning staff present were Dick Hails, Planning Director, Steve Galanti, Ricky Hurley and Jimmy Person.

Vice Chair Fox called the Planning Board into session.

APPROVAL OF MINUTES OF THE JUNE 21, 2006 REGULAR MEETING.

Mr. McIntyre moved approval of the minutes as written, seconded by Mr. Bryson. The Board voted 6-0 in favor of the motion. (Ayes: Fox, Bryson, Landau, McIntyre, Rhodes, Sellars. Nays: None.)

PUBLIC HEARINGS:

C. RESOLUTION CLOSING FORE PLACE FROM THE SOUTHWESTERN END OF A PROPOSED CUL-DE-SAC SOUTHWESTWARD TO ITS END, A DISTANCE OF APPROXIMATELY 285 FEET. (RECOMMENDED)

Mr. Person said this street alignment was the continuation of Freeman Mill Road before it was realigned and changed to Creek Ridge Road. The southwesternmost section of Fore Place was previously closed, eliminating a dangerous five-point intersection with West Vandalia Road. The developer who owns the property on the north side of Fore Place and the church that owns the south side have signed the petition (100%). The exact distance of the closing will depend upon the type of cul-de-sac approved by TRC for the proposed development. The Technical Review Committee (TRC) feels circumstances here allow the City to make the two required determinations for a street closing: (1) that the closing is not contrary to the public interest and (2) that no property owner in the vicinity is deprived of reasonable means of ingress and egress. The TRC recommends the closing, with the closing to take effect upon a plan for the proposed cul-de-sac being approved by TRC.

At the public hearing, Robert Russell, owner of Associated Surveying and Engineering, 102 State Street, said they worked out the street closing with the Department of Transportation (GDOT) to allow for adequate separation from the existing driveway for the multifamily above them. They also worked with St. Andrews Methodist Church, which is the property to the south of the road, which has two road frontages already.

There was no one present to speak in opposition to this request.

Mr. Bryson moved to recommend the closing as described by staff to City Council, seconded by Mr. Landau. The Board voted 6-0 in favor of the motion. (Ayes: Fox, Bryson, Landau, McIntyre, Rhodes, Sellars. Nays: None.)

D. RESOLUTION CLOSING AN UNNAMED ALLEY LOCATED NORTH OF WEST WASHINGTON STREET, RUNNING FROM 75 FEET WEST OF BLANDWOOD AVENUE WESTWARD TO ITS END, A DISTANCE OF APPROXIMATELY 53 FEET. (RECOMMENDED)

Mr. Person said the alley was shown on the plat of Blandwood Subdivision recorded in 1905. It provides access to the adjoining properties. The proposed development of the adjoining properties does not anticipate use of the alley for access. All the owners of the abutting properties have signed the petition (100%). The TRC feels circumstances here allow the City to make the two required determinations for a closing. Therefore, the TRC recommends the closing.

Mr. Hails added that the reason for the closing was to connect the piece fronting on Washington Street to three lots north of that fronting on Blandwood Avenue that are being combined in an office building proposal.

At the public hearing, Chris Zenke, 1408 Wilden Place, said the subject properties are owned by the Zenke family and the area they want to close is currently occupied by bamboo. There is no longer a need for an alleyway.

There was no one present to speak in opposition to this request.

Mr. Rhodes moved to recommend the closing to City Council, seconded by Mr. Bryson. The Board voted 6-0 in favor of the motion. (Ayes: Fox, Bryson, Landau, McIntyre, Rhodes, Sellars. Nays: None.)

E. ORDINANCE AMENDING SECTION 30-4-6.2(C)2 OF THE GREENSBORO DEVELOPMENT ORDINANCE TO ELIMINATE INTERIOR YARD SPACE TRIANGLES, WHILE KEEPING THEM AROUND THE PROJECT BOUNDARY. (RECOMMENDED)

Mr. Galanti said the current Development Ordinance requires multifamily buildings to have a "yard space triangle" drawn from all four sides. A yard space triangle cannot overlap another yard space triangle or a building, or the abutting property. This text amendment is proposed to eliminate the yard space triangles from the interior, so in effect it would allow the yard space triangles to overlap on the inside of the project.

This text amendment would not eliminate the triangles around the perimeter of the project, so it would afford the abutting property owners protection. In calculating the yard space triangle, if the building was very long and very tall, it would still have to be set well back from the exterior property lines. What this text amendment does is give the developers flexibility to shift the buildings on site and get better use of the topography and the layout of the property when they are doing their development. This text amendment was proposed by attorney Derek Allen. Staff recommends this amendment.

At the public hearing, Derek Allen, Esq., 230 North Elm Street, gave some background on the yard space triangle requirement. Developers are finding that it actually prevents good development, encourages things like more extensive grading. Asking TRC for modifications is common, as is TRC approval of triangle overlaps on the site. In that sense, this amendment to the text reflects the reality of what is going on right now. He said it was one portion of the Ordinance that has outlived its usefulness and has now become a hindrance to good developments. He thought that was why staff supports this amendment, and certainly the developers and engineers around town do as well.

There was no one present to speak in opposition to this request.

Mr. McIntyre moved to recommend to City Council, seconded by Mr. Sellars. The Board voted 6-0 in favor of the motion. (Ayes: Fox, Bryson, Landau, McIntyre, Rhodes, Sellars. Nays: None.)

A. ORDINANCE ASSIGNING THE NAME BRUSHWOOD COURT TO THE NEW STREET ALIGNMENT RUNNING FROM WEST FRIENDLY AVENUE NORTHWARD AND FORMING A CONTINUOUS ALIGNMENT WITH EXISTING BRUSHWOOD COURT. (RECOMMENDED)

Mr. Person said in conjunction with the western leg of the Urban Loop construction, several existing

streets were severed, resulting in limited access to some properties. A new street was constructed by NCDOT to provide access to some properties located on the west side of the Urban Loop and north of West Friendly Avenue. This new street forms a continuous alignment with the existing Brushwood Court. The TRC recommends naming the new street Brushwood Court.

There was no one present to speak in favor of or in opposition to the name change.

Mr. McIntyre moved to recommend that city Council assign the name Brushwood Court to this new street forming a continuous alignment with existing Brushwood Court, seconded by Mr. Bryson. The Board voted 6-0 in favor of the motion. (Ayes: Fox, Bryson, Landau, McIntyre, Rhodes, Sellars. Nays: None.)

**B. ORDINANCE CHANGING THE NAME OF MAYFIELD COURT TO ESTES COURT.
(RECOMMENDED)**

Mr. Person said the street is located in the subdivision of Pleasant Ridge Farms West, Section 3, recorded in 2005. When the development was in the County, the name first proposed for the street was Estes Court. However, between the preliminary plat approval and the recording of the final plat, the name was changed to Mayfield Court. Later on it was realized that there was an existing Mayfield Court located in the Mayfield Village Subdivision, recorded in 1988. This development is in the southeast section of the county off Alamance Church Road. There are 8 lots addressed on the section of Mayfield Court requested for name change, 6 of which have houses on them. The TRC recommends the street name change to avoid confusion for service providers, especially emergency services.

There was no one present to speak in favor of or opposition to this request.

Mr. Landau moved to recommend this street name change to City Council, seconded by Mr. Rhodes. The Board voted 6-0 in favor of the motion. (Ayes: Fox, Bryson, Landau, McIntyre, Rhodes, Sellars. Nays: None.)

ANNEXATION PETITIONS:

**A. ORDINANCE ANNEXING PROPERTY OF WILLARD TUCKER AND BARRY SIEGAL AT 601
AND 605 KALLAMDALE ROAD - 5.80-ACRE CONTIGUOUS ANNEXATION.
(RECOMMENDED)**

Mr. Galanti said this property abuts the primary city limits along its north side. It is within the Tier 1 Growth Area (0-10 years) on the Growth Strategy Map in the Comprehensive Plan. Currently it contains two vacant houses that are proposed to be removed and replaced with up to about 15 single family homes. The annexation also includes the right-of-way for Old Randleman Road and Randleman Road and a portion of NCDOT property situated between them. Water and sewer are in close proximity, and short extensions will be required for service. There is an existing 12-inch water line in Randleman Road. There is an existing 8-inch sewer line in Blazingwood Drive to the north. Extension of water and sewer service to the property, and gaining design approval from the Water Resources Department, is the developer's responsibility.

The Fire Department has issued a caution (yellow light) regarding the level of service to be provided to this site. That will not improve until the City occupies additional stations in the area, which are included in the City's November bond referendum. It is expected that annexation of this area will improve upon the current fire service available to the site. The Police Department estimates modest impact on its service provision, with a need for 0.001 additional officers at full build out. Other City services can be provided in a manner similar to their provision to the previously annexed properties just to the north. The TRC recommends the annexation.

Mr. Hails added that both annexations on the agenda are south or southeast, and those are the areas where they have had comments from the Fire Department about difficulty of providing full service levels comparable to the rest of the city.

Assistant Fire Chief Paul Brooks said they would have to negotiate contract services in this area because of their service level capability. It will improve over the existing service because they will continue to contract with the fire district that is currently covering it and they will add City resources. He said there are two stations in the bond referendum that would improve service in this area, one at South Elm-Eugene and Vandalia and the other at Old Randleman Road.

In response to a question from Mr. Rhodes, Mr. Hails said he did not know specifically the developer's schedule, but it is not unusual in a single family development to see it happen over the period of a year or two.

Assistant Chief Brooks said he thought they enjoyed a fairly significant commitment from City leadership to help them improve the fire protection in this area. He also said the size of this development (15 homes) will not create a truly significant demand for service.

Barry Siegal, 3411-D West Wendover Avenue, said this would be a very small single family subdivision. In the process of development you have to install water lines and fire hydrants according to the regulations, so they think this will certainly be an improvement. It takes time to get any plans approved, get the subdivision done and to start the houses and then sell the homes so the homes are occupied. With the slowdown in the housing market, it could well be several years before all the homes are built and occupied.

Mr. Landau said he had some caution about moving ahead on a project predicated on a referendum being passed. However, he was convinced that for the reasons Assistant Chief Brooks mentioned fire service will be better when they have the City service backup to the County services. Having empty houses there now is probably more of a fire hazard than having occupied homes there.

Mr. Bryson moved to recommend this annexation to City Council, seconded by Mr. Rhodes. The Board voted 6-0 in favor of the motion. (Ayes: Fox, Bryson, Landau, McIntyre, Rhodes, Sellars. Nays: None.)

B. ORDINANCE ANNEXING PROPERTY OF COUNTRY CLUB COMMUNITIES AT 3820 McCONNELL ROAD - 27.66-ACRE SATELLITE ANNEXATION. (RECOMMENDED)

Mr. Hails said this annexation currently has development on the property. The way that the annexation is being proposed, with a delay of six months in the effective date to clear out some of the current residents on the site, they believe will mitigate some of the concerns that were put in the staff report, particularly the comments from the Police and Fire Departments.

Mr. Galanti said this property abuts a previous satellite annexation (an approximately 145-acre tract with frontage on I-85/40 and McConnell Road known as the McConnell One Site) on its south and west sides. It is within the Tier 1 Growth Area (0-10 years) on the Growth Strategy Map in the Comprehensive Plan. There are approximately 75 mobile homes on the property now, but it is proposed for business park development when combined with the McConnell One Site. According to the developer, the mobile homes will be vacated and removed within approximately six months of establishing original zoning. Water is not currently available to this site. Extension of a 12-inch water line to the McConnell One Site within McConnell Road would serve this site. Sewer is not currently available to this site. Sewer installation within the McConnell One Site will include providing an 8-inch stub to the southwest corner of this annexation. Extension of water and sewer service to the property, and gaining design approval from the Water Resources Department, is the developer's responsibility.

The Fire Department is strongly concerned (red light) about annexing this site. The concern relates to the level of service to the mobile home park that will be removed as part of the development of this site. That will not improve until the City occupies additional stations in the area. It is expected that annexation of this area will improve the current fire service available to the site. The Police Department also is strongly concerned (red light), with a need for .48 additional officer needed to address issues at this time. Last year there were 138 calls for service to this address. Provision of other City services will involve a travel distance either equal to or less than that necessary to provide service to the previously annexed property to the south and west. The TRC recommends the annexation, with the condition that annexation becomes effective six months after City Council action.

Assistant Chief Brooks explained that the Fire Department had already programmed fire trucks, people and funding for a temporary site to begin operating in this area in the spring of 2008. So the delay allows the relocation of the occupants, which creates the greatest hazard, mostly because of density in a mobile home park. Such structures are much more likely to find an ignition source and flame spread is much quicker. The delay will allow the occupants to be relocated and then the new construction will probably not be completed until about the time that they would be opening their temporary facility. We do have approval and the operating budget funds to start operating here in the second year budget in the spring of 2008, regardless of the outcome of the bond. He was comfortable with the delay in the proposal on the effective date of the annexation. He would be very uncomfortable if they were moving forward with the property as it exists today and were expected to provide service. Their closest station is about 3.4 miles away. They would have over a nine-minute response time.

In response to a question from Mr. Landau, Mr. Hails said the police service would be mobile from cars so they do not have the same frame reference as distance from the stations. In general, the only time where they have given us "red light" comments is where there is an existing residential development that is coming into the city, and in those cases they have checked out calls for service. They are particularly sensitive on a petitioned annexation area like this where there is a gap between it and the contiguous city limits. He was told that their concerns in this case have been greatly reduced by the planned relocation going on during that six-month period.

Buddy Seymour, 2311 West Cone Boulevard, with Windsor Development Group, the developers of the surrounding properties, said they have put the approximately 28 acres in this annexation request under contract to become part of their mixed use park of industrial and commercial uses. They have no intention of being an operator of a mobile home park. The six-month period for residents to relocate is a State statute.

Mr. Seymour said their contract is that purchase is contingent upon rezoning, which he did not think could happen without annexation. But they have a deadline within their contract under which a six months time period is not an acceptable or agreeable term. However, it would be their intention upon rezoning that they were going to purchase the property by year's end. Whether the existing landowner would serve that notice prior to their ownership would be his decision and he could not control that.

Mr. Seymour said the residents had received two notifications to date. The first one was when the property was put under contract. Then prior to the filing for rezoning and annexation, residents were notified of the intention and that the purchaser would not continue to operate the park. He did not know whether that satisfies the State statute for notification or not. He suspected that it did not, but they have been notified. The park owner has another park in the area and he is working with the residents to relocate as many as possible.

Mr. Bryson moved to recommend this annexation to City Council, seconded by Mr. Sellars. The Board voted 6-0 in favor of the motion. (Ayes: Fox, Bryson, Landau, McIntyre, Rhodes, Sellars. Nays: None.)

MODIFICATIONS TO CONDITIONAL DISTRICT ZONING CONDITIONS:

A. MODIFICATION UNDER SECTION 30-9-11.6 TO CLARIFY REQUIRED CROSS ACCESS BETWEEN PARCELS WITHIN THE CONE ONE PROJECT ON YANCEYVILLE STREET AS PER THE CONDITION CONTAINED WITHIN THE CONDITIONAL DISTRICT FOR THIS SITE. (APPROVED)

Mr. Galanti said in December of 2002, the 36.08 acres tract located on the north side of East Wendover Avenue between Yanceyville Street and Maple Street with frontage on Meadow Street was divided into Lot 11A and Lot 12. Lot 12 was created with cross access points along its western boundary and along its southern boundary. The property subject to the modification is Lot 11A, approximately 26.26 acres. The applicant's proposal is to divide Lot 11A into two lots. New Lot 2 will not have a direct vehicular connection to the previously created lot (Lot 12) to the east. Instead the applicant proposes to create an internal private drive network that would connect the southern cross access point on Lot 12 to both Yanceyville Street and Maple Street. The site is zoned Conditional District- SC, and Condition #7 states that cross access shall be provided between parcels. Section 30- 9-11.6 of the Development Ordinance states that, recognizing that the evaluation of requests for minor modifications of conditions in Conditional Zoning Districts involves both technical evaluations and evaluations made in light of policies underlying the conditions, the City Council hereby designates the Planning Board to be the appropriate planning agency to approve such minor modifications, after receipt of a report from the TRC. The Development Ordinance provides three possible grounds for approval of a modification: 1) Equal or Better Performance: a finding that equal or better performance in furtherance of the purposes of the Ordinance will result from the alternate standards portrayed on the plan; 2) Physical Constraints: a finding that the size, topography, or existing development of the property or of the adjoining areas prevents conformance with the Ordinance; and 3) Other Constraints: a finding that a federal, state, or local law or regulation prevents conformance.

After reviewing the request on June 27, 2006, the TRC recommended approval of the modification to delete the direct vehicular cross access required between Lot 2 and Lot 12, with the condition that the applicant extend the southern cross access point from Lot 12 to permit vehicular movement across Lot 1 to both Yanceyville Street and Maple Street. This recommendation was made based on the finding of "Equal or Better Performance." The TRC has found that the alternate cross access will perform either equal to or better than the direct vehicular connection.

There was no one present to speak on this request.

Mr. McIntyre moved approval of the modification as recommended by the TRC, seconded by Mr. Bryson. The Board voted 6-0 in favor of the motion. (Ayes: Fox, Bryson, Landau, McIntyre, Rhodes, Sellars. Nays: None.)

B. MODIFICATION UNDER SECTION 30-9-11.6 TO CLARIFY REQUIRED BERMING ALONG THE NORTHERN LOT LINE FOR THE BENTLEY TOWNHOUSE DEVELOPMENT ON GUILFORD COLLEGE ROAD AS PER THE CONDITION CONTAINED WITHIN THE CONDITIONAL DISTRICT. (APPROVED)

Mr. Galanti said the site is located on the east side of Guilford College Road at its intersection with Stonewick Drive and contains approximately 8.65 acres. The applicant's proposal is to develop the site with 42 single family attached units (town homes) designed for sale. The site is zoned Conditional District- RM-5, and Condition #7 states: "a landscape berm with evergreen trees planted 12 foot on center will be installed on the north side of the property along those portions of the property that back up to the existing single family homes. The berm will be a minimum of 4 feet in height." The developer proposes to grade the site without providing the required berm along an approximately 770-foot portion of the northern lot line. As an alternate screen, the developer proposes to install a 4-foot tall opaque fence

at the top of the slope with evergreen shrubs between the fence and the lot line.

After reviewing the request on May 30, 2006, the TRC recommended approval of the modification with the condition that the applicant install a 4-foot tall opaque fence at the top of the slope with evergreen shrubs between the fence and the lot line. This recommendation was made based on the finding of "Equal or Better Performance." The TRC has found that the alternate screen will perform either equal to or better than the screen with the required berm.

Barry Siegal, 3411-D West Wendover Avenue, said the engineering was not done during the rezoning process. The real request that came from all the discussions with neighbors and with City Council was, in fact, to provide some evergreens. As developers, we always deal with topsoil, and a great place to put it is on the perimeter of the property to build a berm. So they crafted the language that they build a four-foot berm. Unfortunately, when everybody got into the site details concerning the grading, storm sewer, having to deal with the creek in the rear and the slope across the property, it became painfully obvious that they were going to have to have an extreme cut. The new prop plan would place townhouse units 10 to 12 feet below the grade of the adjacent property. This, together with the proposed evergreen trees and the fence and the evergreen shrubs, they believe, will be an equal or better situation.

Mr. Rhodes moved approval of the modification on grounds of equal or better performance, seconded by Mr. Landau. The Board voted 6-0 in favor of the motion. (Ayes: Fox, Bryson, Landau, McIntyre, Rhodes, Sellars. Nays: None.)

EASEMENT RELEASES: (ALL APPROVED)

- A. RESOLUTION AUTHORIZING RELEASE OF ALL OF A 30-FOOT PUBLIC SANITARY SEWER EASEMENT RUNNING THROUGH TRACT 1A OF JEFFERSON VILLAGE ON HIGHWOODS BOULEVARD.**
- B. RESOLUTION AUTHORIZING RELEASE OF ALL OF A DRAINAGE MAINTENANCE AND UTILITY EASEMENT ON THE SOUTHEAST CORNER OF 4708 MARKSBURY DRIVE.**
- C. RESOLUTION AUTHORIZING RELEASE OF ALL OF A 20-FOOT SANITARY SEWER EASEMENT RUNNING WITH THE COMMON PROPERTY LINE BETWEEN 3618 AND 3620 MARKSBURY DRIVE.**
- D. RESOLUTION AUTHORIZING RELEASE OF 10 FEET OF A 20-FOOT UTILITY EASEMENT ALONG AND RUNNING WITH THE WEST PROPERTY LINE OF 1409 KNIGHTWOOD DRIVE.**
- E. RESOLUTION AUTHORIZING RELEASE OF ALL OF A 20-FOOT SANITARY SEWER EASEMENT, ALL OF A DUKE ENERGY EASEMENT AND PORTIONS OF A DRAINAGE MAINTENANCE AND UTILITY EASEMENT AT 1414 YANCEYVILLE STREET.**
- F. RESOLUTION AUTHORIZING RELEASE OF A 5-FOOT PORTION OF A 25-FOOT UTILITY EASEMENT LOCATED ON 2902 CROSSFIELD DRIVE WITHIN STARMOUNT FARMS, MAP 2.**
- G. RESOLUTION AUTHORIZING RELEASE OF A PORTION OF SANITARY SEWER EASEMENT (RELOCATION) WITHIN THE PROPOSED ANDOVER PARK APARTMENT PROJECT LOCATED ON NORWALK STREET.**
- H. RESOLUTION AUTHORIZING RELEASE OF AN APPROXIMATELY 1.5-FOOT PORTION OF A UTILITY EASEMENT LOCATED WITHIN THE HIGHLAND MEADOWS SUBDIVISION, PHASE 1 ON MICHAUX ROAD.**

Mr. Person reported that all utility companies are agreeable to releasing these easements.

Mr. McIntyre moved approval of the eight easement releases, seconded by Mr. Sellars. The Board voted 6-0 in favor of the motion. (Ayes: Fox, Bryson, Landau, McIntyre, Rhodes, Sellars. Nays: None.)

ITEMS FROM THE DEPARTMENT:

Mr. Person introduced Nichole Ward, who is serving as an intern with the Planning Department and had been very helpful in reviewing and circulation of plans and delivering notices.

ITEMS FROM THE CHAIRMAN:

Vice Chair Fox said he appreciates the Board members present being so flexible in rescheduling this meeting so they could get the public's business done this month.

ITEMS FROM BOARD MEMBERS:

Mr. McIntyre said he was going to resign from the Board and would probably submit that letter today or tomorrow. His work has changed significantly, and he had missed two meetings this year. He advised that he would serve until a replacement has been named.

Vice Chair Fox said the Board would miss Mr. McIntyre. They respected his decisions and his very good judgment, and they knew he exercised the same judgment in making this decision. He also thanked Mr. McIntyre for his willingness to serve until replaced.

Vice Chair Fox said he wanted to welcome their new Board member, Mr. Sellars.

Mr. Sellars said this was his first meeting, so it was a learning experience.

Vice Chair Fox said they appreciate Mr. Sellars' willingness to serve and looked forward to working with him in the future.

Mr. Rhodes said at the June meeting he had a concern with the development on Summit Avenue by Kavanagh Company and their relationship with Carolina Peacemaker property, which was excluded somewhat from that new development. Since that time, he had spoken with the owners. Between the Kavanaghs and the Carolina Peacemaker negotiations are ongoing. He no longer has that concern because he knows the owners have been relatively satisfied with the outcome.

APPROVAL OF ABSENCES:

Mr. Rhodes moved to approve the absences of Mr. Hall, Mr. Koonce and Mr. Marks, seconded by Mr. McIntyre. The Board voted 6-0 in favor of the motion. (Ayes: Fox, Bryson, Landau, McIntyre, Rhodes, Sellars. Nays: None.)

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There being no further business before the Board, the meeting was adjourned at 3:30 p.m.

Respectfully submitted,

Richard W. Hails, AICP
Planning Director

RWH:jd.ps